IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.12294 of 2005

Between:

1. Vempati Laxmaiah, S/o.Venkaiah, 58 years,
2. Vempati Venkamma, W/o.China Nageswara Rao, 35 years,
3. Vempati Padma, W/o.Somaiah, 33 years,

All are agriculturists and residents of Madhavagudem Village, H/o.Kondapuram, Chilkuru Mandal in Nalgonda District.

...PETITIONERS

AND

1. The District Collector, Nalgonda District, Nalgonda.
2. The Revenue Divisional Officer, Suryapet, Nalgonda District.
3. The Mandal Revenue Officer, Chilkur Mandal, Nalgonda District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of writ of mandamus declaring the action of the respondents in threatening to dispossess the petitioners from their respective lands i.e., Ac.1.07, Ac.1.00, Ac.0.33 Gts., situated in Sy.No.125 of

Kondapuram Village Shivar, Chilkuru Mandal, Nalgonda District without considering the explanation submitted by the petitioners on 01.06.2005 to the show cause notice bearing No.B/4639/2005, dt.26.05.2005 as arbitrary, illegal and against to the principles of natural justice and violative of Articles 19 and 21 of the Constitution of India and consequently direct the respondents herein to restrain themselves from causing interference with the possession and enjoyment of the petitioners over the above said lands.

Counsel for the Petitioners: MR.PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.12294 of 2005

ORDER:

This Writ Petition is filed aggrieved by the issuance of show cause notice dated 26.05.2005 by the third respondent directing the petitioners to submit their explanation within seven days in writing along with the evidence on the ground that they have obtained the assignment of land by way of misrepresentation that they are landless poor. In response to the above said show cause notice, the petitioners submitted their explanation on 01.06.2005. Pending consideration of the above said explanation to the show cause notice, the petitioners filed the present Writ Petition with an apprehension of threat of dispossession by the respondents.

Considering the facts and circumstances of the case and as the matter is pending consideration before the third respondent, I deem it appropriate to dispose of the Writ Petition.

The Writ Petition is disposed of at the admission stage with a direction to the

third respondent to give an opportunity to the petitioners and dispose of the explanation dated 01.06.2005 submitted by them, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to take any coercive steps to dispossess the petitioners.

No order as to costs.

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(ELIPE DHARMA RAO, J)

13th June 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The District Collector, Nalgonda District, Nalgonda.
2. The Revenue Divisional Officer, Suryapet, Nalgonda District.
3. The Mandal Revenue Officer, Chilkur Mandal, Nalgonda District.
4. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.